

EXHIBIT 5

Ravi Bhalla

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Sent: Wednesday, October 26, 2022 10:43 AM
To: Ravi Bhalla
Cc: ccapshaw@capshawlaw.com; Daniel Shih; Daniel Wilson; ederieux@capshawlaw.com; Kalpana Srinivasan; Madison Cooley; Robert Greenfeld; Shawn Blackburn; Tamar Lusztig; Bier, Rachel; Simon DeGeorges; Selwyn, Mark; Dowd, James; Frazier, Sarah; Mueller, Joseph
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, thanks for your patience. We have investigated both of these chips. First, can you please confirm that there was an error in the chip numbers that you provided? It appears that [REDACTED] does not exist. However, there is a chip with the number [REDACTED]. For the purposes of this investigation, Broadcom assumed you meant this latter chip.

Second, assuming my above assumption is correct, both [REDACTED] were at issue in *Caltech v. Broadcom*. As such, claims against these chips are also barred for the reasons I explained in by August 25, 2022 email and during our multiple meet and confers.

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>
Sent: Monday, October 24, 2022 1:32 PM
To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Cc: ccapshaw@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Daniel Wilson <DWilson@susmangodfrey.com>; ederieux@capshawlaw.com; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Madison Cooley <MCooley@susmangodfrey.com>; Robert Greenfeld <RGreenfeld@susmangodfrey.com>; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Tamar Lusztig <TLusztig@susmangodfrey.com>; Bier, Rachel <Rachel.Bier@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Hi Taylor – Checking in on this. Could you let us know Broadcom's position on these two additional chips? Thanks.

Ravi Bhalla || Susman Godfrey LLP
 1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
 O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Sent: Thursday, October 6, 2022 12:45 PM
To: Ravi Bhalla <RBhalla@susmangodfrey.com>
Cc: ccapshaw@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Daniel Wilson <DWilson@susmangodfrey.com>; ederieux@capshawlaw.com; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Madison Cooley <MCooley@susmangodfrey.com>; Robert Greenfeld <RGreenfeld@susmangodfrey.com>; Shawn

Blackburn <SBlackburn@susmangodfrey.com>; Bier, Rachel <Rachel.Bier@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, we will investigate and get back to you.

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Thursday, October 6, 2022 5:09 AM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Cc: ccapshaw@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Daniel Wilson <DWilson@susmangodfrey.com>; ederieux@capshawlaw.com; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Madison Cooley <MCooley@susmangodfrey.com>; Robert Greenfeld <RGreenfeld@susmangodfrey.com>; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Bier, Rachel <Rachel.Bier@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Thanks, Taylor. Samsung has identified two additional Broadcom chips: [REDACTED]. Could you please let us know what, if anything, Broadcom is willing to produce with respect to these chips?

Ravi Bhalla || Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019

O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Sent: Friday, September 23, 2022 7:43 PM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: ccapshaw@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Daniel Wilson <DWilson@susmangodfrey.com>; ederieux@capshawlaw.com; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Madison Cooley <MCooley@susmangodfrey.com>; Robert Greenfeld <RGreenfeld@susmangodfrey.com>; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Bier, Rachel <Rachel.Bier@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, it's unfortunate to hear that we are at an impasse and to see that you were not willing to send along case law in light of my 8/25 email. After consulting with our client, Broadcom Corp. and Broadcom Inc. will not consent to having the subpoenas transferred to E.D. Tex. under Rule 45(f). However, Broadcom Corp. and Broadcom Inc. will consent to allowing me to accept electronic service.

Taylor Gooch | WilmerHale

He/Him/His

One Front Street, Suite 3500
San Francisco, CA 94111 USA

+1 628 235 1026 (t)

+1 628 235 1001 (f)

taylor.gooch@wilmerhale.com

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From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Thursday, September 15, 2022 6:27 AM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Cc: ccapshaw@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Daniel Wilson <DWilson@susmangodfrey.com>; ederieux@capshawlaw.com; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Madison Cooley <MCooley@susmangodfrey.com>; Ravi Bhalla <RBhalla@susmangodfrey.com>; Robert Greenfeld <RGreenfeld@susmangodfrey.com>; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Hi Taylor – As previously discussed, we do not agree that claim preclusion applies here. Nor do we agree that claim splitting applies. Thanks for your efforts and sharing authority, but, unfortunately, we're at an impasse. We'll proceed with a motion to compel. Please let us know if (1) Broadcom Corp. and Broadcom Inc. will consent to having the subpoenas transferred to E.D. Tex. under Rule 45(f) and (2) if you will accept service on Broadcom Corp./Broadcom Inc.'s behalf. Thanks.

Ravi Bhalla | Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Sent: Thursday, August 25, 2022 1:27 PM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, thank you for your patience while our team was tied up. As discussed during our prior meet and confers, Caltech's claims against Samsung are barred by the doctrine of claim preclusion and, in particular, the prohibition against claim-splitting. *In re ASM Int'l, N.V.*, 774 Fed.Appx. 650, 653 (Fed. Cir. May 23, 2019) ("Generally, the claim-splitting doctrine is a form of claim preclusion that bars a subsequent patent infringement action when it arises from the same transactional facts as a prior action." (internal quotation marks omitted)). Claim splitting doctrine "do[es] not require a prior judgment" and bars a second suit if the claim (1) involves the same parties or their privies, and (2) arises out of the same transaction or series of transactions as the first claim. *ChriMar Sys., Inc. v. Alcatel-Lucent, Inc.*, 2015 WL 12941897, at *3 (E.D. Tex. May 19, 2015) (cleaned up); *see also Cooper v. Retrieval-Masters Creditors Bureau, Inc.*, ___ F.4th ___, 2022 WL 3009807, at *5 (7th Cir. July 29, 2022) ("The elements of claim splitting are similar [to res judicata], except that a final judgment on the merits in the first action is not required."); *Howell Hydrocarbons, Inc. v. Adams*, 897 F.2d 183, 188 (5th Cir. 1990) (discussing privity). Both elements apply here. Caltech's allegations against Samsung are based upon the same patents and Broadcom chips that Caltech accused in the prior case, and Broadcom had the same interest to defend against those allegations as Samsung does now. Caltech's decision in the prior case to drop its claims against Samsung products containing Broadcom chips thus precludes its attempt to assert that same claim now.

Broadcom of course remains willing to produce documents sufficient to demonstrate that claim-splitting prohibitions apply. Please confirm that such a production will resolve Caltech's subpoena.

Best regards,

Taylor

From: Gooch, Taylor

Sent: Monday, August 15, 2022 7:05 PM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

Ravi, thanks for passing this analysis and cited cases along. We will review and get back to you. Some of my team members are in trial this week, so I cannot commit to a response by August 17. We will of course endeavor to respond quickly.

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Friday, August 12, 2022 11:34 AM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Hi Taylor – Thanks for the meet and confer and for explaining Broadcom's position regarding the purported claim preclusion. As you requested, I'm sending you some authorities making clear that a final judgment on liability without a final judgment on remedy is not sufficiently final for purposes of claim preclusion. In other words, there is no final judgment in the *Apple/Broadcom* case that precludes any of Caltech's claims in the *Samsung* case. I hope that, in light of this clear authority, Broadcom will withdraw its claim preclusion objection and we can avoid motion practice. Given that we've discussed these issues extensively, we ask that you tell us Broadcom's final position, one way or another, by August 17. If you have any authority contrary to the below that you'd like us to consider, please also provide it by August 17. Thanks very much and have a nice weekend.

See Fresenius USA, Inc. v. Baxter Int'l, Inc., 721 F.3d 1330, 1341 (Fed. Cir. 2013) ("Looking to general res judicata principles governing the preclusive effect of a judgment, it is well-established that where the scope of relief remains to be determined, there is no final judgment binding the parties (or the court)."); *Mendenhall v. Barber-Greene Co.*, 26 F.3d 1573, 1580 (Fed. Cir. 1994) (citing Restatement (Second) of Judgments § 13 (1982)) ("Secondly, the judgment of this court on liability in *Astec* resulted in a remand for further proceedings. It was not the final judgment in the case. To rise to that level, the litigation must be entirely concluded so that *Mendenhall's* cause of action against *Astec* was merged into a final judgment."); *Chrimar Sys., Inc. v. ALE USA Inc.*, 785 F. App'x 854, 856 (Fed. Cir. 2019) ("A case is 'pending' . . . when it is not yet final in the sense that 'the litigation [is] entirely concluded so that [the] cause of action [against the infringer] was merged into a final judgment . . . one that ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.'"); § 4432 Finality—Traditional Requirement, 18A Fed. Prac. & Proc. Juris. § 4432 (3d ed.) ("Two common situations may be used to illustrate the parallel between appeal finality and preclusion finality. First is an order that establishes liability but leaves open the question of damages or other remedies. Just as such an order ordinarily is not final for purposes of appeal, so is it not final for purposes of preclusion under traditional analysis."); *id.* (collecting cases); *Catlin v. United States*, 324 U.S. 229, 233 (1945) (describing a final judgment for purposes of appeal as one that "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment").

Ravi Bhalla || Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Sent: Monday, August 8, 2022 2:18 PM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>;

ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone

<MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges

<SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd,

James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph

<Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, how about 4EST tomorrow (8/8)?

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Monday, August 8, 2022 6:52 AM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>;

ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone

<MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges

<SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd,

James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph

<Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Hi Taylor – Tomorrow works, and I'm flexible starting at 3pm ET.

Ravi Bhalla || Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019

O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Sent: Friday, August 5, 2022 7:01 PM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, do you have time next week to further discuss this subpoena? Possibly on Tuesday or Thursday?

Taylor

From: Gooch, Taylor

Sent: Friday, July 29, 2022 11:06 AM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

Ravi, thanks for the email. Our team is tied up until early next week. But we will get you a response shortly thereafter.

Thanks

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Thursday, July 28, 2022 3:22 PM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph

<Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Hi Taylor – Following up on the below, can we set up a call next week to discuss what, if anything, Broadcom is willing to produce in response to the subpoena? I think it's time that we run this to ground so that we can move to compel if needed. Thanks.

Ravi Bhalla || Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
O. (212) 729-2009 | M. (203) 249-3216

From: Ravi Bhalla

Sent: Tuesday, July 5, 2022 4:13 PM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>;

ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone

<MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges

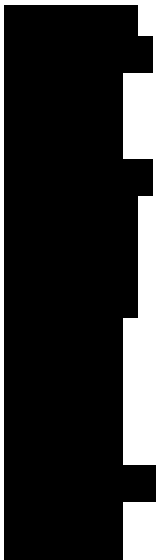
<SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd,

James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph

<Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

Hi Taylor – Thanks for the response and I hope you had a nice holiday weekend. Below is the initial list of Broadcom chips at issue (this is based on the information we currently have at this stage of discovery, so it could expand if we discover additional chips). I understand that you will be comparing this list to the chips at issue in *Apple/Broadcom*, and I'd just iterate from my June 17 e-mail that even if the chips at issue are identical across the two cases, our position is that a claim preclusion objection to the entirety of the subpoena is not appropriate. I look forward to working through this. Thanks very much.



Ravi Bhalla || Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Sent: Wednesday, June 29, 2022 2:57 PM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Dowd, James <James.Dowd@wilmerhale.com>; Frazier, Sarah <Sarah.Frazier@wilmerhale.com>; Mueller, Joseph <Joseph.Mueller@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, thanks for the email and apologies for my delayed response. It was my understanding based on your meet and confer with Jim that you were going to provide: (1) a list of Broadcom chips for which you seek documents/source code and (2) your position regarding why Caltech's claims would not be barred by claim preclusion in this matter. As was discussed on the call, it would be helpful to better understand: (1) the delta of chips that are involved in this case that were not involved in *California Institute of Technology v. Broadcom Ltd., et al.*, C.D. Cal Case No. 2:16-cv-03714-GW-AGRx; and (2) if and how the patent claims in this case are either not the same as those involved in *California Institute of Technology v. Broadcom Ltd., et al.*, C.D. Cal Case No. 2:16-cv-03714-GW-AGRx or if they are different claims, why the claims are not materially similar.

Broadcom remains ready and willing to further meet and confer on this issue and its other objections. Broadcom remains hopeful that after Caltech provides the requested information, the parties can work together to determine what discovery, if any, is reasonable in this matter. This is especially true here, given as you noted during the call, there is ample time in discovery remaining in this matter.

Taylor Gooch | WilmerHale

He/Him/His

One Front Street, Suite 3500

San Francisco, CA 94111 USA

+1 628 235 1026 (t)

+1 628 235 1001 (f)

taylor.gooch@wilmerhale.com

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For more information about WilmerHale, please visit us at <http://www.wilmerhale.com>.

From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Friday, June 17, 2022 3:29 PM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Hi James – Thanks for the meet and confer last week regarding Broadcom's responses and objections to the subpoena we served. My understanding of Broadcom's position is that it won't produce anything in response to the subpoena because the potential for claim preclusion with respect to Samsung products that use Broadcom chips renders all the requests not proportional to the needs of the case. While we are willing to work with you on the scope of the requests, we can't accept a wholesale refusal to produce documents on that basis. Even if we assume that the Broadcom chips at issue in the *Samsung* case are the same chips at issue in the *Apple/Broadcom* case, Broadcom has neither settled nor paid any amount to satisfy a judgment that would extinguish any liability in the *Samsung* case (to the extent such settlement or payment could do so). As such, we think the objection is improper and at best premature.

We'd ask that you reconsider this blanket objection, at which point I'd be happy to go through the requests with you and discuss what Broadcom is willing to produce in response to each one. Please let us know by June 24 whether Broadcom will reconsider, otherwise we will understand that we have reached an impasse on this issue. Thanks very much.

Ravi Bhalla || Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Sent: Wednesday, June 1, 2022 1:45 PM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Hey Ravi, apologies, I meant **Wednesday** June 8. 2pm works for us. If it works with you, if you could please send around a conference line and invite.

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Wednesday, June 1, 2022 6:06 AM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>

Subject: Re: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Hi Taylor - I assume you mean June 7, right? If so, yes, that's good, how does 2pm PT sound?

Sent from my mobile device.

On May 31, 2022, at 8:07 PM, Gooch, Taylor <Taylor.Gooch@wilmerhale.com> wrote:

EXTERNAL Email

Ravi, would Tuesday June 8 work for you? We have availability that day in the afternoon PST.

Taylor

From: Gooch, Taylor
Sent: Thursday, May 26, 2022 2:28 PM
To: Ravi Bhalla <RBhalla@susmangodfrey.com>
Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpetererson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>
Subject: RE: Calt.ech v. Samsung - Subpoena

Thanks Ravi. We'll take a look at potential times that could work that week.

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>
Sent: Thursday, May 26, 2022 2:02 PM
To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpetererson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Got it. Friday will be too unpredictable on my end, so let's look to Monday, June 6. I can do any time except for 10am-11am PT.

Ravi Bhalla || Susman Godfrey LLP
1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Sent: Thursday, May 26, 2022 12:52 PM
To: Ravi Bhalla <RBhalla@susmangodfrey.com>
Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpetererson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, unfortunately we have depositions throughout the week next week and Friday is our first availability. Let us know if you have any time on that Friday that may work, otherwise I can send some availability for the following week.

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>
Sent: Wednesday, May 25, 2022 4:58 PM
To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Thank you. Later Friday will be tough because I'll be on the road after the hearing. But Wednesday, June 1, is also quite open.

Ravi Bhalla || Susman Godfrey LLP
 1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
 O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Sent: Wednesday, May 25, 2022 7:49 PM
To: Ravi Bhalla <RBhalla@susmangodfrey.com>
Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Ravi, I will need to follow-up with you tomorrow about Thursday after I follow-up with a colleague. Are you available later in the day on Friday, if we don't have availability on Thursday?

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>
Sent: Wednesday, May 25, 2022 4:38 PM
To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

No worries, thanks. I'll be travelling to/in a hearing during those times next Friday. Any availability on Thursday, June 2? I can do anytime except for 11:30am-12pm PT.

Ravi Bhalla || Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Sent: Wednesday, May 25, 2022 7:19 PM

To: Ravi Bhalla <RBhalla@susmangodfrey.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>;
ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone
<MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>;
hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark
<Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>

Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Apologies for not so indicating. Yes they are.

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Wednesday, May 25, 2022 4:17 PM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>;
ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone
<MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>;
hpeterson@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>; Selwyn, Mark
<Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>

Subject: Re: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Are those times PT?

Sent from my mobile device.

On May 25, 2022, at 6:59 PM, Gooch, Taylor <Taylor.Gooch@wilmerhale.com> wrote:

EXTERNAL Email

Ravi, we can be available at 9am and 10am on Friday, June 3, 2022. Please let us know if either of those times work for you. If they do, please send around a conference line.

Taylor

From: Ravi Bhalla <RBhalla@susmangodfrey.com>

Sent: Wednesday, May 25, 2022 6:04 AM

To: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>; Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; Shawn Blackburn <SBlackburn@susmangodfrey.com>; hpeterson@capshawlaw.com; ccapshaw@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Counsel – Could you please let me know your availability either on Friday or early next week to meet and confer regarding these responses? Thank you.

Ravi Bhalla | Susman Godfrey LLP

1301 Avenue of the Americas, 32nd Fl. | New York, NY 10019
O. (212) 729-2009 | M. (203) 249-3216

From: Gooch, Taylor <Taylor.Gooch@wilmerhale.com>
Sent: Friday, May 13, 2022 5:43 PM
To: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; ccapshaw@capshawlaw.com; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; Ravi Bhalla <RBhalla@susmangodfrey.com>; Shawn Blackburn <SBlackburn@susmangodfrey.com>; hpeterson@capshawlaw.com; ccapshaw@capshawlaw.com; Daniel Shih <dshih@susmangodfrey.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>; Dowd, James <James.Dowd@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Counsel, please find the attached Objections to *Caltech v. Samsung Inc. Subpoena to Broadcom Corp.* and *Objections to Caltech v. Samsung Inc. Subpoena to Broadcom Inc.* for service.

Taylor Gooch | WilmerHale

He/Him/His
One Front Street, Suite 3500
San Francisco, CA 94111 USA
+1 628 235 1026 (t)
+1 628 235 1001 (f)
taylor.gooch@wilmerhale.com

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From: Daniel Shih <dshih@susmangodfrey.com>
Sent: Wednesday, May 4, 2022 5:52:59 PM
To: Dowd, James <James.Dowd@wilmerhale.com>; Selwyn, Mark <Mark.Selwyn@wilmerhale.com>

Cc: Daniel Wilson <DWilson@susmangodfrey.com>; Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Mike Leone <MLEONE@SusmanGodfrey.com>; Ravi Bhalla <RBhalla@susmangodfrey.com>; Shawn Blackburn <SBlackburn@susmangodfrey.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>; ccapshaw@capshawlaw.com <ccapshaw@capshawlaw.com>; Heidi Peterson <hpeterson@capshawlaw.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Counsel, as a courtesy, we can agree to extend Broadcom's subpoena response deadline by an extra week beyond the extended date we previously agreed to, so to May 13. We note that May 13 is 30 days after service of the subpoena.

Kind regards,
-Dan Shih

Dan Shih *Partner / Attorney-at-Law*
dshih@susmangodfrey.com
206-373-7390 (direct) | [Firm Profile](#) | [LinkedIn](#)
SUSMAN GODFREY LLP
1201 Third Avenue, Suite 3800
Seattle, WA 98101

From: Dowd, James <James.Dowd@wilmerhale.com>
Sent: Wednesday, May 4, 2022 11:01 AM
To: Daniel Shih <dshih@susmangodfrey.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Dan,

Following up, and as noted when we spoke, we've been working here to better understand the burdens presented by Caltech's subpoenas in light of the issues we discussed. To facilitate these efforts, please let me know whether Caltech will agree to an additional two week extension of Broadcom's Rule 45 response deadline – which would make the responses due May 20.

Best regards,

Jim

From: Daniel Shih <dshih@susmangodfrey.com>
Sent: Monday, April 25, 2022 8:11 PM
To: Dowd, James <James.Dowd@wilmerhale.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Done. The invite has you calling my desk line. If you need a conference number or want me to call, let me know and I can update the invite. Thanks.

-Dan

Dan Shih *Partner / Attorney-at-Law*
dshih@susmangodfrey.com
206-373-7390 (direct) | [Firm Profile](#) | [LinkedIn](#)
SUSMAN GODFREY LLP
1201 Third Avenue, Suite 3800
Seattle, WA 98101

From: Dowd, James <James.Dowd@wilmerhale.com>
Sent: Monday, April 25, 2022 4:32 PM
To: Daniel Shih <dshih@susmangodfrey.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Dan,

Thanks for getting back to me. I have at 30 minute window at 9:30 a.m. PT on Wednesday. If that works, would you mind sending an invite?

Thanks,

Jim

From: Daniel Shih <dshih@susmangodfrey.com>
Sent: Monday, April 25, 2022 6:49 PM
To: Dowd, James <James.Dowd@wilmerhale.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Hi Jim, I'm also open at 11am on Tuesday or 9:30am on Wednesday PT.

-Dan

Dan Shih *Partner / Attorney-at-Law*
dshih@susmangodfrey.com
206-373-7390 (direct) | [Firm Profile](#) | [LinkedIn](#)
SUSMAN GODFREY LLP
1201 Third Avenue, Suite 3800
Seattle, WA 98101

From: Dowd, James <James.Dowd@wilmerhale.com>
Sent: Monday, April 25, 2022 2:22 PM
To: Daniel Shih <dshih@susmangodfrey.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL Email

Dan,

Thanks for responding and for agreeing to extend at least through May 6. I have a conflict today at 4 PT, but will see if I can move things around tomorrow to open 10 PT up. If not, is there a time on Wednesday that works?

Best,

Jim

From: Daniel Shih <dshih@susmangodfrey.com>
Sent: Monday, April 25, 2022 1:50 PM
To: Dowd, James <James.Dowd@wilmerhale.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>
Subject: RE: Caltech v. Samsung - Subpoena

EXTERNAL SENDER

Counsel, I am available to discuss today at 4pm PT or tomorrow (Tuesday) at 10am PT, if either of those works for you. We can agree to extend the response deadline to May 6 so that it's not imminent while we confer, and we can address any need for a further extension when we connect.

Kind regards,
-Dan Shih

Dan Shih *Partner / Attorney-at-Law*
dshih@susmangodfrey.com
206-373-7390 (direct) | [Firm Profile](#) | [LinkedIn](#)
SUSMAN GODFREY LLP
1201 Third Avenue, Suite 3800
Seattle, WA 98101

From: Dowd, James <James.Dowd@wilmerhale.com>
Sent: Saturday, April 23, 2022 5:00 PM
To: Daniel Shih <dshih@susmangodfrey.com>
Cc: Selwyn, Mark <Mark.Selwyn@wilmerhale.com>
Subject: Caltech v. Samsung - Subpoena

EXTERNAL Email

Daniel,

We have been engaged to represent Broadcom Corporation and Broadcom Inc. in connection with the subpoena served by you in connection with the Caltech v. Samsung matter, Case No. 2:21-cv-446. Are you available for a call next week to discuss what you are looking for here? We would also request a two week extension of the Rule 45 response deadline to facilitate this discussion, and allow Broadcom to better understand the potential burdens involved.

Best regards,

Jim

James M. Dowd | WilmerHale

350 South Grand Avenue, Suite 2400

Los Angeles, CA 90071 USA

+1 213 443 5309 (t)

+1 213 443 5400 (f)

james.dowd@wilmerhale.com

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